REMARKS

Applicant wishes to thank the Examiner for withdrawing the previous rejections based on Niederdrank.

I. Claim Rejections under 35 U.S.C. § 103

Claim 1 stands rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 6,768,802 (Baechler) in view of U.S. Patent No. 7,158,931 (Allegro).

Claim 1 recites *each* of the parameter maps of the first and second hearing aid *is configured to receive a first output from the environment classifier of the first hearing aid and a second output from the environment classifier of the second hearing aid*, and generate the output for the selection of the signal processing algorithm (Emphasis Added). Thus, claim 1 describes a two-way communication in which the first hearing aid receives output from the environment classifier of the second hearing aid, and the second hearing aid receives output from the environment classifier of the first hearing aid. Baechler and Allegro do not disclose or suggest the above limitations.

Rather, Baechler discloses a first hearing aid having an evaluation unit 23 (which the Examiner analogized as the claimed environment classifier), and a selector switch 20 (which the Examiner analogized as the claimed parameter map) for determining a transmission mode M (column 4, lines 43-47; figure 2). When synchronizing a second hearing aid with the first hearing aid, the identifier of mode M is sent from the first hearing aid to the second hearing aid (column 4, lines 48-67). Notably, Baechler specifically teaches configuring the two hearing aids in a master and slave arrangement so that the mode identifier is transmitted from one device to another, and not in both ways (column 5, lines 1-4). This is evidenced by the above cited passages, and further by the description in column 5, lines 17-19, which states, "Once the master and slave functions have been established, this master/slave approach requires only one-way communication between the hearing aids." This is further evidenced by the one way arrow in figure 1 for the transmission of Mx from one hearing aid to another hearing aid. Thus, Baechler clearly does not disclose or suggest the above limitations. Also, to the extent that the transmission mode M in Baechler is analogized as the claimed output from the environment classifier, Baechler clearly teaches the opposite (one-way communication of the mode M) of that

described in claim 1 (describing a two-way communication of environment classifier outputs between two hearing aids). Note that a prima facie case of the § 103 rejection cannot be established if a cited reference teaches away from the claimed subject matter.

Also, Baechler does not disclose a parameter map of a hearing aid that receives *two* outputs from two respective environment classifiers, as described in claims 1 and 18. According to the Office Action, the selector switch assembly 20 of Baechler is analogized as the claimed parameter map. However, Applicant respectfully notes that the selector switch assembly 20 does not receive two outputs from two respective environment classifiers. Rather, the switch assembly 20 is configured to generate a mode change based on an analysis of one (not two) acoustic environment from the evaluation unit 23 (column 5, lines 5-16).

Allegro also does not disclose or suggest the above limitations, nor is it being relied upon for the alleged disclosure of the above limitations. Thus, Allegro fails to make up the deficiencies present in Baechler. Since both Baechler and Allegro do not disclose or suggest the above limitations, any purported combination of these references cannot result in the subject matter of claims 1 and 18.

Furthermore, Applicant respectfully notes that exchanging outputs from two environment classifiers is unknown but for Applicant's subject application, and thus, the claimed subject matter would not have been allegedly obvious in view of the two cited references. Also, embodiments of the claimed subject matter is beneficial in that they result in low amount of data being transferred (because the actual sound signals need not be exchanged between hearing aids), high utilization of the information (because outputs from the two environment classifiers are used), a high flexibility of decision by the processor (because it is based on two outputs by two environment classifiers), and/or a high level of coordination between hearing aids. Thus, the claimed subject matter actually requires exercising of inventive skills, and is non-obvious over the cited references.

For at least the foregoing reasons, claims 1 and 18, and their respective dependent claims, are believed allowable over Baechler, Allegro, and their combination.

II. New claims 29 and 30

New claims 29 and 30 describe that the parameter map is configured to generate the output for the selection of the signal processing algorithm based on the first output from the environment classifier and the second output from an environment classifier of a second hearing aid. Baechler and Allegro also do not disclose or suggest such limitations. In particular, to the extent that the selector switch 20 in Baechler is maintained to be analogized as the claimed parameter map, Applicant respectfully notes that the switch 20 is configured to generate an output based on an analysis of one (not two) evaluation unit. Also, in Baechler, the transmission mode M is first determined in a first hearing aid based on an output from evaluation unit 23 before it is sent to the second hearing aid (see figure 2). Thus, to the extent that the transmission mode M is analogized as the claimed "selection of signal processing algorithm," the selection of signal processing algorithm in Baechler is clearly not based on two environment classifier outputs, as described in claims 29 and 30.

CONCLUSION

Based on the foregoing, it is believed that all claims are allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant(s) hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. **50-1105**, referencing billing number **GNR P507 PCT US**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. **50-1105**, referencing billing number **GNR P507 PCT US**.

Respectfully submitted,

DATE: January 8, 2010

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